

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	MDL No. 2327
THIS DOCUMENT RELATES TO: ETHICON WAVE 4 CASES LISTED IN EXHIBIT A TO PLAINTIFFS MOTION	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION TO EXCLUDE
THE TESTIMONY OF MICHAEL KARRAM, M.D. REGARDING
THE SAFETY AND EFFICACY OF THE TVT-O PRODUCT**

Dr. Michael Karram has issued two expert reports in the Ethicon mesh litigation. His first report was issued in the Wave 1 cases. By Motion, Plaintiffs challenged that report. Dkt No. 2091. In an Order dated September 2, 2016, the Court excluded a number of Dr. Karram's opinions. [Dkt No. 2727].

Recognizing that Dr. Karram's original report was deficient, on June 3, 2016, Dr. Karram issued a new report that was issued in the Wave 2 and 3 cases. Plaintiffs also challenged this second report by Motion. [Dkt No. 2851].

On June 3, 2016, Dr. Karram re-issued his second report in the Wave 4 cases. Plaintiffs filed their Motion to Exclude Dr. Karram's opinions. [Dkt No 3611]. In this Motion, Plaintiffs mistakenly adopted their opposition to Dr. Karram's first report rather than their opposition to his second report. Defendant correctly identified this issue in their Response Brief, noting "Plaintiffs have adopted their Motion to Exclude from Wave 1, which targeted Dr. Karram's **Wave 1** general expert report. Dr. Karram's Wave 1 report, as further described below, significantly varies from

his Wave 4 report.” Response at 1. Recognizing this clerical error, Defendant appropriately incorporated their response to Plaintiffs’ Wave 2 and 3 challenges, noting:

Alternatively, Ethicon incorporates by reference its opposition brief arguments regarding Dr. Karram’s qualification to opine regarding the safety and efficacy of mesh products as set forth in its Responses to Plaintiffs’ Motions to Exclude the Testimony of Michael Karram, M.D. in Wave 1, Dkt. 2133, Wave 2, Dkt. 2524, and Wave 3, Dkt. 2951.

Response at 2, n.1.

Accordingly, Plaintiffs request the Court incorporate the correct Motion to Exclude – Dkt. No. 2851 as their Motion in chief, incorporate Defendant’s Response (as Defendant requests), and for their Reply Brief, Plaintiffs incorporate their Reply in Support of Plaintiffs’ Motion to Exclude Expert Testimony of Michael Karram, MD, at Dkt. No. 3047.

WHEREFORE, Plaintiff requests that the Court grant the requested Motion to Exclude the Proposed Testimony of Michael Karram, M.D.

Respectfully submitted this 4th day of May, 2017

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing **PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION TO EXCLUDE THE TESTIMONY OF MICHAEL KARRAM, M.D.** on May 4, 2017, using the Court's CM/ECF filing system, thereby sending notice of said filing to all counsel.

/s/ Joseph J. Zonies

Joseph J. Zonies